

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF PENNSYLVANIA

JEREMY BAILEY,
PLAINTIFF

"JURY TRIAL DEMANDED"

CIVIL NO. _____

VS.

DISTRICT JUDGE _____

CORRECTIONAL OFFICER JOHN DOE I,
CORRECTIONAL OFFICER JOHN DOE II,
SERGEANT JOHN DOE I, LIEUTENANT JOHN DOE I.

MAGISTRATE JUDGE _____

FILED
SCRANTON

OCT 07 2020

COMPLAINT

PER 
DEPUTY CLERK

I. INTRODUCTION

1. THIS IS A CIVIL RIGHTS ACTION FILED PURSUANT TO 42 U.S.C. SECTION 1983 BY PLAINTIFF JEREMY BAILEY, AN INMATE CURRENTLY HOUSED AT THE STATE CORRECTIONAL INSTITUTION (SCI) AT COAL TOWNSHIP, IN COAL TOWNSHIP, PENNSYLVANIA, AGAINST VARIOUS CORRECTIONAL OFFICERS EMPLOYED AT SCI COAL TOWNSHIP, FOR DEPRIVING PLAINTIFF OF HIS RIGHTS GUARANTEED BY THE 8th AND 14th AMENDMENTS OF THE UNITED STATES CONSTITUTION, FOR VIOLATIONS OF UNITED STATES CONSTITUTIONAL RIGHTS UNDER SECTION 1983 TO REDRESS THE DEPRIVATIONS, UNDER COLOR OF STATE LAW, OF RIGHTS SECURED BY THE CONSTITUTION OF THE UNITED STATES.

II. JURISDICTION

2. THIS COURT HAS JURISDICTION UNDER 28 U.S.C. 1331, 1343(a)(3) and (4).

III. VENUE

3. PURSUANT TO 28 U.S.C. SECTION 1391(b)(2) THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT IS THE APPROPRIATE VENUE.

IV. PARTIES

4. PLAINTIFF, JEREMY BAILEY, WAS AT ALL TIMES MENTIONED IN THIS COMPLAINT, A PRISONER OF THE PENNSYLVANIA DEPARTMENT OF CORRECTIONS AND HOUSED AT SCI COAL TOWNSHIP, 1 KELLEY DRIVE, COAL TOWNSHIP, PENNSYLVANIA 17866-1020.

5. AS YET UNIDENTIFIED CORRECTIONAL OFFICER JOHN DOE I, WAS AT ALL TIMES MENTIONED IN THIS COMPLAINT, AN EMPLOYEE OF THE PENNSYLVANIA DEPARTMENT OF CORRECTIONS AT SCI COAL TOWNSHIP, 1 KELLEY DRIVE, COAL TOWNSHIP, PA 17866-1020.

6. AS YET UNIDENTIFIED CORRECTIONAL OFFICER JOHN DOE II, WAS AT ALL TIMES MENTIONED IN THIS COMPLAINT, AN EMPLOYEE OF THE PENNSYLVANIA DEPARTMENT OF CORRECTIONS AT SCI COAL TOWNSHIP, 1 KELLEY DRIVE, COAL TOWNSHIP, PA 17866-1020.

7. AS YET UNIDENTIFIED SERGEANT JOHN DOE I, WAS AT ALL TIMES MENTIONED IN THIS COMPLAINT, AN EMPLOYEE OF THE PENNSYLVANIA DEPARTMENT OF CORRECTIONS AT SCI COAL TOWNSHIP, 1 KELLEY DRIVE, COAL TOWNSHIP, PA 17866-1020

8. AS YET UNIDENTIFIED LIEUTENANT JOHN DOE I, WAS AT ALL TIMES MENTIONED IN THIS COMPLAINT, AN EMPLOYEE OF THE PENNSYLVANIA DEPARTMENT OF CORRECTIONS AT SCI COAL TOWNSHIP, 1 KELLEY DRIVE, COAL TOWNSHIP, PA 17866-1020.

V. FACTS

9. PLAINTIFF ALLEGES THAT DESPITE REPEATED WARNINGS AND REQUESTS FOR ASSISTANCE, DEFENDANTS FAILED TO PROTECT, AND WERE DELIBERATELY INDIFFERENT TO PLAINTIFF'S PERSONAL SAFETY BY IGNORING THREATS TO HIS PERSONAL SAFETY BY AN INMATE, BY DELIBERATELY MOVING A SINGLE CELL STATUS (Z-CODE) INMATE INTO THE CELL WITH PLAINTIFF AND REFUSING TO MOVE THE INMATE AFTER COUNTLESS WARNINGS AND THREATS BY THE INMATE TO CAUSE BODILY INJURY TO THE PLAINTIFF. SHORTLY AFTER THE FINAL WARNING PLAINTIFF WAS SAVAGELY ATTACKED BY THE INMATE, CAUSING PLAINTIFF BODILY HARM.

10. ON SEPTEMBER 10, 2019, PLAINTIFF WAS HOUSED IN THE RESTRICTED HOUSING UNIT ON AN UNRELATED INCIDENT.

11. DEFENDANT, CORRECTIONAL OFFICER JOHN DOE I, AND CORRECTIONAL OFFICER JOHN DOE II, APPROACHED INMATE McCULLOUGH GA-6396, WHO WAS A SINGLE CELL STATUS (Z-

CODE) INMATE, WITH ORDERS TO PACK HIS BELONGINGS IN ORDER TO BE HOUSED IN CELL NO. 5 WITH PLAINTIFF.

12. INMATE McCULLOUGH NOTIFIED DEFENDANTS CORRECTIONAL OFFICERS JOHN DOE I AND II THAT HE WAS A (Z-CODE) AND WAS NOT TO HOUSED IN A CELL WITH ANOTHER INMATE.

13. DEFENDANTS, CORRECTIONAL OFFICERS JOHN DOE I AND II, ORDERED INMATE McCULLOUGH TO OBEY THEIR DIRECT ORDER OR BE EXTRACTED FROM THE CELL AND RECEIVE A MISCONDUCT REPORT.

14. INMATE McCULLOUGH COMPLIED WITH THEIR ORDER AND REQUESTED THE PRESENCE OF SERGEANT JOHN DOE I, AND LIEUTENANT JOHN DOE I.

15. DEFENDANT, CORRECTIONAL OFFICER JOHN DOE I, INFORMED INMATE McCULLOUGH THAT THE SREGEANT AND THE LIEUTENANT WERE AWARE OF THE MOVEMENT AND WOULD NOT BE PRESENT DURING THE MOVE.

16. INMATE McCULLOUGH BECAME ANGRY AND STATED TO CORRECTIONAL OFFICERS JOHN DOE I AND II, THAT "WHOEVER HE WAS BEING PLACED IN THE CELL WITH WAS GOING TO GET FUCKED UP BY HIM".

17. DEFENDANTS, JOHN DOE I AND II BROUGHT INMATE McCULLOUGH TO PLAINTIFF'S CELL DOOR AND ORDERED PLAINTIFF TO BE HANDCUFFED IN ORDER TO RECEIVE A CELL-MATE.

18. PLAINTIFF INFORMED THE DEFENDANTS, CORRECTIONAL OFFICER'S JOHN DOE I AND II, THAT HE HEARD THE THREAT INMATE McCULLOUGH MADE ABOUT WHAT HE WAS GOING TO DO TO WHOEVER HE WAS PLACED IN THE CELL WITH..

19. PLAINTIFF REQUESTED THE PRESENCE OF SERGEANT JOHN DOE I, AND LIEUTENANT JOHN DOE I.

20. DEFENDANT, CORRECTIONAL OFFICER JOHN DOE I, ORDERED PLAINTIFF TO BE HANDCUFFED OR RECEIVE A MISCONDUCT REPORT.

21. PLAINTIFF COMPLIED WITH THE ORDER.

22. INMATE McCULLOUGH ENTERED THE CELL WHILE CONTINUOUSLY INFORMING DEFENDANTS

CORRECTIONAL OFFICER'S JOHN DOE I, AND II, THAT HE WAS SINGLE CELL STATUS AND NOT ALLOWED TO HAVE A CELL-MATE.

23. DEFENDANTS, CORRECTIONAL OFFICER'S JOHN DOE I, AND II, DID NOT RESPOND UNTIL AFTER TAKING THE HANDCUFFS OFF OF PLAINTIFF AND INMATE McCULLOUGH. DEFENDANT, CORRECTIONAL OFFICER JOHN DOE I, STATED Y'ALL CAN FIGHT ALL Y'ALL WANT NOW", BEFORE LEAVING.

24. INMATE McCULLOUGH STATED TO PLAINTIFF TO KEEP HIS DISTANCE WHILE IN THE CELL IF HE DID NOT WANT TO GET HURT.

25. PLAINTIFF TRIED HIS BEST TO COMPLY WITH INMATE McCULLOUGH'S REQUEST.

26. ON 9-10-2019, AT APPROXIMATELY 10:30am, WHILE LUNCH TRAYS WERE BEING SERVED, PLAINTIFF REQUESTED TO SPEAK WITH DEFENDANT LIEUTENANT JOHN DOE I. AGAIN PLAINTIFF WAS DENIED.

27. ON 9-10-2019, AT APPROXIMATELY 11:30am, LUNCH TRAYS WERE BEING COLLECTED AND INMATE McCULLOUGH AGAIN NOTIFIED CORRECTIONAL OFFICER JOHN DOE I THAT HE WAS A Z-CODE INMATE AND IF NOT MOVED HE WOULD ATTACK PLAINTIFF.

28. ON 9-10-2019 AT APPROXIMATELY 12:00pm ALL DEFENDANTS ENTERED H-A HOUSING UNIT.

29. PLAINTIFF AND INMATE McCULLOUGH NOTIFIED ALL DEFENDANTS THAT INMATE McCULLOUGH WAS A Z-CODE INMATE AND DID NOT BELONG IN A CELL WITH ANYBODY.

30. PLAINTIFF NOTIFIED ALL DEFENDANTS THAT INMATE McCULLOUGH WAS THREATENING HIS LIFE AND THAT HE WAS A Z-CODE INMATE.

31. DEFENDANTS IGNORED PLAINTIFF'S CONCERNS AND DEFENDANT LIEUTENANT JOHN DOE I ORDERED PLAINTIFF TO GET AWAY FROM THE DOOR.

32. ON 9-10-2019 AT APPROXIMATELY 1:00pm INMATE McCULLOUGH DEMANDED PLAINTIFF NOT MOVE FROM HIS BUNK IF HE WANTED TO LIVE.

33. PLAINTIFF EVENTUALLY GOT OFF HIS BUNK TO USE THE BATHROOM AND WHEN PLAINTIFF

ATTEMPTED TO RETURN TO HIS BUNK INMATE McCULLOUGH KNOCKED PLAINTIFF UNCONSCIOUS.

34. ON 9-10-2019 AT APPROXIMATELY 2:00pm PLAINTIFF AWAKENED ON THE FLOOR OF HIS CELL WITH HIS LEGS TIED TOGETHER AND HIS ARMS TIED BEHIND HIS BACK.

35. PLAINTIFF BEGAN YELLING FOR HELP WHILE INMATE McCULLOUGH STOOD OVER HIM STARING AT HIM.

36. ON 9-10-2019 AT APPROXIMATELY 2:15pm C.O.I HOUSER, DURING A TOUR OF H-A HOUSING UNIT, DISCOVERED PLAINTIFF ON THE FLOOR YELLING WITH HIS LEGS AND ARMS TIED TOGETHER.

37. C.O.I HOUSER RADIOED TO LIEUTENANT PASSERITTI AND LIEUTENANT PASSERITTI FOR A HAND HELD CAMERA RECORDER.

38. INMATE McCULLOUGH WAS THEN HANDCUFFED AND REMOVED FROM THE CELL.

39. AN UNIDENTIFIED CORRECTIONAL OFFICER, ON 2-10 SHIFT, ENTERED THE CELL AND REMOVED THE ROPE FROM PLAINTIFF'S ARMS AND LEGS.

40. PLAINTIFF WAS TAKEN OUT OF THE CELL TO A MEDICAL TRIAGE AREA WHERE HE SHOWED HIS INJURIES TO A NURSE.

41. PLAINTIFF HAS BEEN IN PHYSICAL THERAPY FOR BACK PAIN STEMMING FROM THE ASSAULT.

42. PLAINTIFF HAS BEEN IN MENTAL ANGUISH SINCE THE ASSAULT.

43. SINCE THE 9-10-19 ASSAULT PLAINTIFF HAS BEEN UNABLE TO LIVE IN A CELL WITH ANOTHER INMATE.

44. PLAINTIFF HAS BEEN REVIEWED BY NUMEROUS PSYCHOLOGISTS AT SCI COAL TOWNSHIP.

45. ON 9-26-19 PLAINTIFF WAS PLACED IN A PSYCHIATRIC OBSERVATION CELL (P.O.C.) DUE TO HIS MENTAL ANGUISH OF POSSIBLY BEING PLACED IN A CELL WITH ANOTHER INMATE

46. PLAINTIFF SPENT APPROXIMATELY FOUR(4) DAYS IN THE (P.O.C.) AND WAS RELEASED

TO GENERAL POPULATION BY THE PSYCHIATRY STAFF WITH A "TEMPORARY" Z-CODE.

47. PLAINTIFF HAS BEEN IN GENERAL POPULATION WITHOUT A CELL-MATE SINCE BEING RELEASED FROM THE PSYCHIATRIC OBSERVATION CELL.

VI. EXHAUSTION OF ADMINISTRATIVE REMEDIES

48. PLAINTIFF HAS EXHAUSTED AVAILABLE ADMINISTRATIVE REMEDIES THROUGH DC-ADM 804 INMATE GRIEVANCE SYSTEM.

VII. CAUSE OF ACTION

49. PLAINTIFF INCORPORATED BY REFERENCE PARAGRAPHS 1 THROUGH 48 ABOVE AS FULLY SET FORTH HEREIN FOR ALL CAUSES OF ACTION.

50. DEFENDANT, CORRECTIONAL OFFICER JOHN DOE I, AND CORRECTIONAL OFFICER JOHN DOE II FAILED TO PROTECT PLAINTIFF IN THAT THEY WERE AWARE THAT INMATE McCULLOUGH WAS A SINGLE CELL STATUS INMATE AND NOT AUTHORIZED TO HAVE CELL-MATES YET STILL FORCED INMATE McCULLOUGH IN THE CELL WITH PLAINTIFF, CAUSING THE ASSAULT, THUS VIOLATING PLAINTIFF'S EIGHTH AMENDMENT RIGHT OF THE UNITED STATES CONSTITUTION.

51. DEFENDANTS, CORRECTIONAL OFFICER JOHN DOE I AND II, WERE WARNED BY INMATE McCULLOUGH THAT HE WOULD HARM WHOEVER HE WAS PLACED IN THE CELL WITH AND DEFENDANTS WERE DELIBERATELY INDIFFERENT IN VIOLATION OF PLAINTIFF'S CONSTITUTIONAL RIGHTS.

52. DEFENDANT SERGEANT JOHN DOE I, WAS AWARE OR SHOULD HAVE BEEN AWARE, AS A RANKING OFFICER, THAT INMATE McCULLOUGH WAS A Z-CODE INMATE AND A DANGER TO OTHER INMATES BUT DISREGARDED THAT INFORMATION AND SIGNED OFF ON THE MOVE FOR PLAINTIFF TO BE ASSAULTED.

53. DEFENDANT LIEUTENANT JOHN DOE I, VIOLATED PLAINTIFF'S RIGHT AGAINST CRUEL AND UNUSUAL PUNISHMENT UNDER THE EIGHTH AMENDMENT OF THE UNITED STATES CONSTITUTION BY FAILING TO INTERVENE WHEN TOLD NUMEROUS TIMES BY INMATE McCULLOUGH AND PLAINTIFF THAT INMATE McCULLOUGH WAS NOT SUPPOSE TO HAVE A CELL MATE AND IF MOVED HE WOULD HARM PLAINTIFF.

54. DEFENDANTS CORRECTIONAL OFFICER JOHN DOE I AND II, KNEW THE DANGER POSED BY INMATE McCULLOUGH AND KNEW OF THE THREATS AND IMMEDIATE DANGER HE POSED TO PLAINTIFF BUT DELIBERATELY DISREGARDED SAID WARNINGS BY REFUSING TO TAKE APPROPRIATE ACTIONS THAT WOULD HAVE PREVENTED THE SUBSEQUENT ASSAULT ON PLAINTIFF THEREBY VIOLATING PLAINTIFF'S EIGHTH AND FOURTEENTH AMENDMENT RIGHTS OF THE UNITED STATES CONSTITUTION.

55. AS A RESULT OF THIS CONSTITUTIONAL VIOLATION, PLAINTIFF SUFFERED INJURIES AND DAMAGES.

VIII. LEGAL CLAIMS

56. PLAINTIFF REALLEGES AND INCORPORATES BY REFERENCE PARAGRAPHS ONE(1) THROUGH FIFTY-FIVE(55).

57. EACH DEFENDANT ARBITRARILY FAILED TO PROTECT PLAINTIFF. EACH DEFENDANT SUBJECTED PLAINTIFF TO CRUEL AND UNUSUAL PUNISHMENT AND DEPRIVED PLAINTIFF OF LIFE AND LIBERTY WITHOUT DUE PROCESS OF THE LAW AND WAS DELIBERATELY INDIFFERENT IN VIOLATION OF PLAINTIFF'S CLEARLY ESTABLISHED CONSTITUTIONAL RIGHTS.

58. EACH DEFENDANT IS BEING SUED IN BOTH THEIR OFFICIAL AND INDIVIDUAL CAPACITIES.

59. AT ALL TIMES RELEVANT TO THE ALLEGATIONS IN THIS COMPLAINT, DEFENDANTS WERE ACTING UNDER COLOR OF STATE LAW.

60. PLAINTIFF SEEKS MONETARY DAMAGES FROM DEFENDANTS IN THEIR INDIVIDUAL CAPACITIES.

IX. REQUESTED RELIEF

61. WHEREFORE, PLAINTIFF RESPECTFULLY REQUESTS THAT THIS COURT:

a) JUDGMENT BY A JUDGE AND OR JURY THAT DEFENDANTS FAILED TO PROTECT PLAINTIFF, WAS DELIBERATELY INDIFFERENT TOWARD PLAINTIFF AND SUBJECTED PLAINTIFF TO CRUEL AND UNUSUAL PUNISHMENT, AND DENIED PLAINTIFF DUE PROCESS AND EQUAL PROTECTION IN

VIOLATION OF PLAINTIFF'S CLEARLY ESTABLISHED CONSTITUTIONAL RIGHTS.

b) AWARD COMPENSATORY DAMAGES TO THE PLAINTIFF IN THE FOLLOWING AMOUNT;

1. \$100,000 AGAINST DEFENDANT CORRECTIONAL OFFICER JOHN DOE I FOR VIOLATING PLAINTIFF'S CONSTITUTIONAL RIGHTS.

2. \$100,000 AGAINST DEFENDANT CORRECTIONAL OFFICER JOHN DOE II FOR VIOLATING PLAINTIFF'S CONSTITUTIONAL RIGHTS.

3. \$100,000 AGAINST DEFENDANT SERGEANT JOHN DOE I FOR VIOLATING PLAINTIFF'S CONSTITUTIONAL RIGHTS.

4. \$100,000 AGAINST DEFENDANT LIEUTENANT JOHN DOE I FOR VIOLATING PLAINTIFF'S CONSTITUTIONAL RIGHTS.

c) AWARD PUNITIVE DAMAGES TO PLAINTIFF IN THE FOLLOWING AMOUNT;

1. \$25,000 AGAINST EACH DEFENDANT.

d) AWARD A PERMANANT INJUNCTION THAT PLAINTIFF REMAIN A Z-CODE (SINGLE CELL STATUS) INMATE THE REMAINDER OF HIS TIME WITHIN THE D.O.C.

62. AWARD THE COSTS OF THIS ACTION TO DEFENDANTS.

63. AWARD SUCH OTHER FURTHER RELIEF AS THIS COURT DEEM APPROPRIATE.

DATED: 10-1-2020

RESPECTFULLY SUBMITTED,

JEREMY BAILEY LZ-4437
SCI COAL TOWNSHIP
1 KELLEY DRIVE
COAL TOWNSHIP, PA 17866-1020

cc.FILE

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF PENNSYLVANIA

JEREMY BAILEY,
PLAINTIFF

"JURY TRIAL DEMANDED"

CIVIL NO. _____

VS.

DISTRICT JUDGE _____

CORRECTIONAL OFFICER JOHN DOE I,
CORRECTIONAL OFFICER JOHN DOE II,
SERGEANT JOHN DOE I, LIEUTENANT JOHN DOE I.

MAGISTRATE JUDGE _____

VERIFICATION

PURSUANT TO 28 U.S.C. §1746, PLAINTIFF DECLARES UNDER PENALTY OF PERJURY THAT
THE FOREGOING IS TRUE AND CORRECT. EXECUTED ON October 1, 2020.

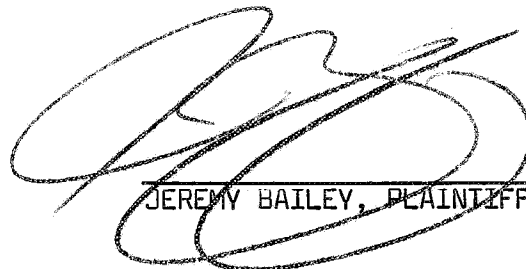
* A VERIFIED COMPLAINT MAY BE CONSIDERED AN AFFIDAVIT. RILEY V. BEARD, 2011 U.S.
DIST. LEXIS 83445 (M.D. Pa. 2011).

CERTIFICATE OF SERVICE

PLAINTIFF HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE "COMPLAINT" WAS
GIVEN TO PRISON OFFICIALS FOR PROCESSING AND FORWARDING, TO BE SERVED UPON THE
FOLLOWING PERSON ON THE FOLLOWING DATE, AT THE LOCATION AND IN THE MANNER
INDICATED BELOW, UNDER PENALTY OF PERJURY 28 U.S.C. §1746.

DATED: 10-1-2020 VIA FIRST CLASS MAIL, POSTAGE PRE-PAID

OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA
235 NORTH WASHINGTON AVENUE
P.O. BOX 1148
SCRANTON, PA 18501-1148



JEREMY BAILEY, PLAINTIFF

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF PENNSYLVANIA

JEREMY BAILEY
PLAINTIFF

"JURY TRIAL DEMANDED"

CIVIL NO. _____

V.
C.O.I JOHN DOE I, C.O.I JOHN DOE II,
C.O.II JOHN DOE I, C.O.III JOHN DOE I
DEFENDANTS

DISTRICT JUDGE _____

MAGISTRATE JUDGE _____

CERTIFICATE OF COMPLIANCE

I CERTIFY THAT THIS FILING COMPLIES WITH THE PROVISIONS OF THE PUBLIC ACCESS
POLICY OF THE UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA: CASE RECORDS OF THE
APPELLATE AND TRIAL COURTS THAT REQUIRE FILING CONFIDENTIAL INFORMATION AND
DOCUMENTS DIFFERENTLY THAN NON-CONFIDENTIAL INFORMATION AND DOCUMENTS.

SUBMITTED BY: 

SIGNATURE 

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Jeremy Bailzy

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

John Doe's
Pennsylvania Department of Correction

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CONSTITUTIONAL <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input checked="" type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. Section 1983

Brief description of cause:

Failure to Protect; Civil and Criminal Punishment

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

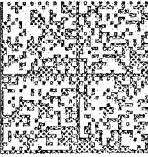
AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

INMATE MAIL
PA DEPT OF
CORRECTIONS



Jeremy Bailey
LZ-4437

SCI Coal Township

1 Kelley Drive

Coal Township, PA 17866-1020

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RECE
SCRAN

OCT 01

PER _____
DEPUT

Office of the Clerk
United States District Court
For The Middle District of Pennsylvania
235 North Washington Avenue
P.O. Box 1148
Scranton, PA 18501-1148